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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,459	10/30/2003	Matthew R. Hackworth	68.0234DIV	7986

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,459	Applicant(s) HACKWORTH ET AL.	
	Examiner Kenneth Thompson	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-9,16-18,20,32-34 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-9,16,32-34 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 17,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 16 is withdrawn in view of the newly discovered reference to Smith, U.S. 5,295,506. Rejection based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7-9 and 32-34 rejected under 35 U.S.C. 102(b) as being anticipated by McCaskey, U.S. 1,314,600.

Regarding claims 1, 2, 4, 7 and 32, McCaskey discloses a first tubular (a link 1), inherently capable of being expanded, having a plurality of receiving extensions (notches 7,4) and second tubular (a link 1), inherently capable of being expanded, having a plurality of insertion extensions (3) axially inserted into the receiving extensions (p. 1, lines 74-89). McCaskey discloses the insertion extensions having an expanded region (3a) and the receiving extensions having a connector opening (4,6;7,6) with a narrow outer portion (6) and wider inner portion (7,4) receiving the expanded region. McCaskey discloses a slide cover (11) and sand barrier (11,17).

As to claims 8, 9, 33, and 34, McCaskey discloses the sand barrier (1) inside and outside (11) the tubulars.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith, U.S. 5,295,506.

Regarding claim 16, Smith discloses a first tubular (21) with spaced connector portions (151), a second tubular (20) with spaced connector portions (51), a sand barrier positioned along the inner surface of the tubulars connector portions when engaged; wherein the connector portions of the first tubular includes a configuration (168) to interlocking receive connector portions of the second tubular.

Claim 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews et al., U.S. 4,706,659.

Regarding claims 41-44, Matthews et al. discloses a first and second tubular (31) inherently capable of being expanded, a slide cover (56) slidably mounted on the tubular members to secure the plurality of interlocking extensions (45) into interlocked engagement.

Allowable Subject Matter

Claims 17, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 27 February 2006 have been fully considered but they are not persuasive.

The tubulars of McCaskey and Matthews et al. are inherently capable of being expanded and McCaskey discloses the neck of the associated lug extending through the throat.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rush, U.S. 3,672,705 discloses a similar device.

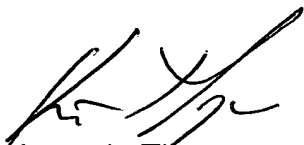
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

31 March 2006



Kenneth Thompson
Primary Examiner
Art Unit 3672